

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

UNITED STATES OF AMERICA

PETITIONER/RESPONDENT

v.

Civil No. 05-1119
Criminal No. 98-CR-10005

ROBERT ROBINSON

RESPONDENT/MOVANT

ORDER

_____ Before the undersigned is the “supplementation to petition for a writ of habeas corpus,” filed by the movant, Robert Robinson, on February 13, 2006. (Doc. #89) By this pleading, Movant seeks to amend his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, filed by Movant on December 2, 2005. (Doc. #86) By report and recommendation filed on February 8, 2006 (Doc. #88), the undersigned recommended that the petition for writ of habeas corpus be construed as a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 and it was further recommended that the motion be dismissed as this court lacks jurisdiction to consider such a successive motion absent authorization from the United States Court of Appeals for the Eighth Circuit. (Doc. #88)

The pending motion to supplement seeks to add additional claims to Movant’s petition for writ of habeas corpus. Until the pending report and recommendation is acted upon by this court we deem the motion to supplement to be improperly and untimely filed.

Accordingly, the pending “supplementation to petition for a writ of habeas corpus” (Doc. #89) should be and is dismissed as untimely filed, without prejudice to refile should this court refuse to adopt the pending report and recommendation and determine that this proceeding should continue.

IT IS SO ORDERED this the 5th day of April 2006.

/s/ Bobby E. Shepherd
HON. BOBBY E. SHEPHERD
UNITED STATES MAGISTRATE JUDGE